

**REMARKS**

Initially the Examiner is thanked for indicating that claims 12 and 13 contain allowable subject matter and would be allowed if rewritten in independent form. In view of the arguments and amendments made herein, reconsideration and withdrawal of the rejections of the application are respectfully requested. Claims 1, 3-58, and 60-71 are pending with all claims having been rejected by the Office Action.

**OBJECTIONS AND 35 U.S.C. § 112 REJECTIONS**

Initially, the Examiner has objected to claim 59 as being of improper dependent form. Claim 59 has been cancelled herein, accordingly withdrawal of the objection is requested. Similarly, the Examiner has rejected claims 64, 69, and 71 under 35 U.S.C. § 112, second paragraph as they allegedly contain limitations lacking antecedent basis. Claims 64, 69, and 71 have been amended to provide antecedent basis for the limitations in question. Accordingly, withdrawal of the rejection is requested.

**35 U.S.C. §§ 102 AND 103 REJECTIONS**

The Office Action also rejects claims 1, 3-11, 14-28, 32-39, 44-45, and 48-49 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,381,012 to Russek. This rejection is respectfully traversed for at least the following reasons,

Claim 1 recites:

a main locating means provided on the attachment means for locating a central electrode of the at least three electrodes substantially about the umbilicus of the subject; and

two secondary locating means provided on the attachment means disposed on respective opposite sides of the main locating means for locating two corresponding side electrodes of the at least three electrodes

In the Office Action, it is alleged that elements 51-56 of Fig. 7 of Russek are “locating means.” The Examiner’s attention is directed to col. 5, lines 5-18, where elements 51-56 of Russek are described as “snaps.” The specification further clarifies that “the electrodes 50 are snapped into the desired snaps 51-56.” Thus, when engaged with the electrode, the “snaps” will not be visible to the user, and cannot be a “locating means,” either for “locating a central electrode of the at least three electrodes substantially about the umbilicus of the subject “ or for “locating two corresponding side electrodes of the at least three electrodes” as recited in claim 1.

Accordingly, claim 1 patentably distinguishes over the relied upon portions of Russek and is allowable. It is respectfully requested that the rejection of claim 1 be withdrawn. Further, as claims 3-11, 14-28, 32-39, 44-45, and 48-49 depend from allowable claim 1, it is requested that these rejections also be withdrawn.

The Examiner has rejected claims 52-60 under 102(b) as anticipated by U.S. Patent No. 5,724,996 to Piunti.

Claim 52 has been amended to recite a step of “providing means electrically connecting said at least three electrodes and a signal generator, said means enclosed within an attachment means.”

It is respectfully submitted that Piunti does not teach such a step. Accordingly, claim 52, as amended, patentably distinguishes over the relied upon portions of Piunti and is allowable. Claims 53-60 which depend from claim 52 are allowable therewith.

The Examiner has also rejected claims 13, 29, 30-31, 46-47 and 50-51 under 35 U.S.C. § 103(a) as unpatenable over Russek, either alone, or in view of U.S. Patent No. 5,190,036 Linder. Further, the Examiner has rejected claims 61-71 under 35 U.S.C. § 103 as unpatentable over Piunti.

In response, it is respectfully submitted that because each of these claims depends from either claim 1 or 52, which have been distinguished over the relied upon portion of the cited references above, claims 13, 29, 30-31, 46-47, 50-51, and 61-71 are similarly patentably distinguished over the cited references. Accordingly, withdrawal of these rejections is earnestly solicited.

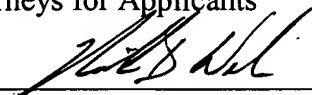
### **CONCLUSION**

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable over the cited prior art, entry of the foregoing amendment is respectfully requested and early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By

  
Nathan Weber  
Registration No. 50,958  
(212) 588-0800  
Fax (212) 588-0500